

**REMARKS**

On December 4, 2007, Applicants submitted a Preliminary Amendment with the Response to Restriction Requirement dated October 4, 2007 in which Applicants added claims 4 through 30 to the above-referenced application. In a telephone call to the Examiner on December 17, 2007, Applicants informed the Examiner that they wished to cancel or amend certain claims submitted in the Preliminary Amendment. Thus, Applicants hereby submit this Supplemental Amendment and Response to Restriction Requirement dated October 4, 2007 in order to clarify the claims under examination.

Claims 1, 2, 4 and 9 through 13 have been amended to reflect the elected sequence. Claims 3, 5 through 8, and 14 through 30 have been cancelled without prejudice to or disclaimer of the subject matter contained therein. Support for the foregoing claim amendments may be found, for example, in the claims as originally filed and in the Specification at page 6, line 4 through page 8, line 2; page 8, line 14 through page 9, line 2; page 10, line 16 through page 11, line 7; page 12, line 7 through page 15, line 2; and at page 24, line 11 through page 25, line 7. No new matter is added by way of these amendments.

Claims 4 through 13 are directed to substantially purified nucleic acid molecules comprising the elected sequence. Applicants submit that these claims can be efficiently examined with elected claims 1 and 2.

In the Restriction Requirement dated October 4, 2007 (“Restriction Requirement”), the Examiner required restriction to one of the following inventions:

Group I: Claims 1-2, drawn to a DNA construct.

Group II: Claim 3, drawn to a method of producing a plant having a particular phenotype (Restriction Requirement at page 2).

The Office also required Applicants to elect one of the following species for examination: SEQ ID NO:1-3549 encoding SEQ ID NO: 3550-7098, respectively.

In the Response to Restriction Requirement dated October 4, 2007, Applicants elected, without traverse, the subject matter of Group I: Claims 1-2, drawn to a DNA construct. Further,

Applicants elected, without traverse, SEQ ID NO: 3366 encoding SEQ ID 6915 for further examination on the merits.

## CONCLUSION

In view of the above, each of the presently pending claims is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. The Examiner is encouraged to contact the undersigned at (202) 942-5243 should any additional information be necessary for allowance.

Respectfully submitted,



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